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09/580,808	05/26/2000	Muhammed Ibrahim Sezan	KLR:7146.085	9106
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KEVIN L. RUSSELL CHERNOFF, VILHAUER, MCCLUNG & STENZEL LLP 1600 ODSTOWER 601 SW SECOND AVENUE PORTLAND, OR 97204			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 07/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/580,808	SEZAN ET AL.
	Examiner	Art Unit
	Annan Q. Shang	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 April 2006.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2,3,5-10,12-79,89-104 and 108-118 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2,3,5-10,12-79,89-104 and 108-118 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/15/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 04/17/06 have been fully considered but they are not persuasive.

With respect to claims 2, 3, 5-10, 12-26, 27-57 and 94-107, rejected under 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,066,265)**, applicant discusses the disclosure of Sahai and argues that "Sahai does not disclose that the quality be selected 'based upon the type of semantic content of at least one of the audio video,' applicant furthermore discusses the disclosure of Rangan, cites col.27, lines 4-20, and argues that "Aside from the insertion of hyperlinks to advertisements tailored to the semantic content of the video, Rangan discloses no other relationship between the features of the disclosed system..." and argues that the combination do not disclose the claimed limitation and requests withdrawal of the rejection of claims 2, 3, 5-10 and 12-20 (see pages 2-4 of applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's argument, however as discussed in the office action and repeated below, Sahai teaches client capabilities media delivery properties or preferences/specifications as chosen by a user using a GUI interface prompts, selecting from various parameters for various quality of service parameters based on content type (col.4, lines 18-24). Sahai is silent to selecting quality based upon the type of semantic content of at least the audio and video. However, this deficiency is disclosed in Rangan, which discloses monitoring client's interaction or selection to a streaming video including scene changes in the video to customizes video

and audio to the clients, based on the interaction or selection (see col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 col.30, line 49-col.31, line 1+), all cited in the office action. Sahai and Rangan, customize content based on the clients selection or interaction. Hence the combination of Sahai in view of Rangan is proper, meets all the claimed limitation and maintained as repeated below.

With respect to claims 21-30, applicant further states that, "...for the same reasons discussed in independent claim 2...requests that the Examiner withdraw the rejection..."

In response, Examiner disagrees, and for the same reasons discussed above with respect to claim 2, the rejection of claims 21-30 is proper, meets all the claimed limitations and maintained.

With respect to independent claims 31, 38, 49 and 57, applicant further states that, "...each of claims 31-60 are distinguished over the cited references for the same reasons as in independent claim 2...requests that the Examiner withdraw the rejection of these claims..."

In response, Examiner disagrees, and for the same reasons discussed above with respect to claim 2, the rejection of claims 31-60 is proper, meets all the claimed limitations and maintained.

With respect to independent claim 94, applicant further argues that, "neither claim 2 or claim 31 include the presently claimed limitation of....user selected forward....fast forward..."

In response Examiner disagrees. Examiner notes applicant's arguments, however, as previously discussed with respect to claim 2, Sahai teaches selecting different modes of quality and is silent to fast forwarding of presentation. However, this deficiency is further disclosed in Rangan, which discloses monitoring client's interaction or selection to a streaming video including scene changes in the video, VCR-like controls, which includes fast forwarding, pause, etc., and customizes video and audio to the clients based on the interaction or selection (col.26, lines 27-43), which is cited in the office action. Hence the combination of Sahai in view of Rangan is proper, meets all the claimed limitations of claims 94-103 and maintained.

With respect to claims 61-72, which stand rejected under 103(a) as being unpatentable over Sahai and Rangan and further in view of **Fano (6,317,718)**, applicant further argues that the references fail to teach the underlined limitations, i.e., "a storage medium selectively detachably insertable into a recording device..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however, as discussed in the office action, Sahai in view of Rangan discloses various recording medium, VCR, PC, lap top, etc., with detachable and insertable storage medium and where the storage medium interacts with the internal recording device when inserted in storage medium to obtain the at least one of an audio and a video, however fail to explicitly teach providing a time attribute of preferences...a first time to start obtaining the at least one of audio and video prior to the schedule time..." this deficiency in Sahai in view of Rangan is disclosed in Fano, which discloses gathering agents that stores user specific information and preferences, including time delivery

preferences where the schedule time is the time period for media data “audio program and a video program” (fig. 18, col. 33, line 64-col. 34, line 23 and col. 38, lines 39-56). Hence the combination of Sahai in view of Rangan and further in view of Fano is proper, meets all the claimed limitations of claims 61-72 and maintained

With respect to claims 73-79 and 108-114 rejected as unpatentable over Sahai, in view Rangan and further in view of **Barrett (6,611,876)** and further in view of **Kanevsky (6,426,761)**, applicant further argues that the references fail to teach the claimed limitations.

In response, Examiner disagrees, and for the same reasons discussed above with respect to claims 61-72, Sahai in view of Rangan teaches detachably inserting storage medium...” and the deficiencies in Sahai and Rangan are disclosed in Barrett and Kanevsky as discussed in the office action. Hence the combination is proper, meets all the claimed limitations of claims 73-79 and 108-114 and maintained

With respect to independent claims 89-93, rejected as unpatentable over Sahai, in view Rangan and further in view of Barrett applicant further argues that the claims are distinguished over the cited references for the same reasons as in independent claim 2...requests that the Examiner withdraw the rejection of these claims...”

In response, Examiner disagrees, and for the same reasons discussed above with respect to claim 2, the rejection of claims 89-93 as unpatentable over Sahai, in view Rangan and further in view of Barrett is proper, meets all the claimed limitations and maintained.

Applicants arguments with respect to claims 2, 3, 5-10, 12-79, 89-104 and 108-118, have been fully considered and not persuasive, the rejection is proper, meets all the claimed limitations and maintained as repeated below. This office action is made final.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2, 3, 5-10, 12-26, 27-57 and 94-107, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**

As to claims 2 and 3, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose method of using a system with at least one of an audio, an image, and a video comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a user with respect to the use of said at least one of audio, image..." is met by Client 12 (fig. 1, col. 2, lines 44-64), note that when a user wants to playback any video/multimedia asset, the request is shipped across to Server 10 via a communication

Network 14, where the shipping of the requested media data, includes Client 12 capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and preferences (C/P) with respect to the audio, image and video, which are stored in Server 10 for a particular session or for predetermined time period in a static configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate of the audio and video data to use, the size of the displayed frame, media formats, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31);

Server 10, stores each Client 12 capabilities and preferences and provides the media attribute of the preferences description describing the quality of encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the audio, image and video before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines 9-31), note that the user can request for audio, video, image, multimedia or media “audio and video” and the client capabilities, media delivery properties or preferences/specifications as chosen by the user are also shipped across the server, processes and delivered accordingly based on the selected preferences/specifications.

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking upon a digital network (col.24, lines 32-60), where a Service Provider indexes video

based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+); and further disclose where the clients VOW VCR provides the client with VCR-like function to control the video as desired (col.26, line 27-43)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rangan into the system of Sahai to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited and also provide VCR-like function to enable the client to control the streaming video as desired.

As to claims 5-6, Sahai further teaches a first quality and second quality of encoding where the first is less than the second (col. 3, lines 50-60 and col. 4, lines 17-31), note that Server 10 can encode in MPEG1, MPEG2, MJPEG, etc., depending on Client 12 C/P, where one encoding scheme is less than the other and further where the storage results in at least storing less bytes of the first quality encoding of the audio video than the second quality of encoding using digital compression technique (col. 6, lines 12-49).

As to claims 7 and 8, Sahai further discloses selecting the quality of encoding base upon the storage for at least the audio and video and automatically performed by the Server 10 (col. 3, lines 23-31, lines 50-60 and col. 4, lines 17-40).

As to claim 9, Sahai further discloses where the selecting is prompted to the user of the system for selection (col. 5, lines 17-31).

Claim 10 is met as previously discussed with respect to claim 2.

As to claims 12-13, Sahai further discloses selecting either the first quality and the second quality based upon the type of content to the at least the audio and the video (col. 5, lines 35-46 and col. 6, lines 12-49), note further that real time sports programming and nature programming area automatically encoded by MPEG1 or MPEG2 formats depending on the Clients C/P information.

As to claims 14-19, Sahai further discloses a method where the system automatically selects first and second quality based upon attributes of preferences description, system description, a program preferences description, predefined relationships between a plurality of attributes of the preference descriptions, a program preference descriptions, system preference descriptions (col. 3, lines 23-60, col. 4, lines 9-40), note that Server 10 upon receiving the various play request and Client C/P automatically, makes flexible and accurate decisions about the Client concerning resource allocation for streaming of data and the use of appropriate format type (MPEG1, MPEG2, etc.,) and network traffic to stream media data according to C/P (col. 6, lines 12-52).

As to claim 20, Sahai further discloses a method where Server 10, which inherent includes an agent that selects the first quality and second quality, based upon prior selections of the first quality (col. 4, lines 9-40 and col. 5, lines 1-21).

As to claim 21, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose a system for use with at least one of broadcast of audio and video comprising a plurality of frames comprising:

the claimed "system for receiving said broadcast of at least one of audio and video..." is met by Server 10 (fig. 1, col. 2, lines 44-64), note that Server 10 receives broadcast of audio and video from various servers on the network 14 and stores the received audio and video data, in a storage media, such as a disk (col. 6, lines 50-52); and further receives and stores each Client 12 capabilities and preferences (C/P) (col. 3, lines 5-25 and col. 4, lines 9-14); and selectively encodes at least one of different qualities, MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31) of the received broadcast of at least the audio and video for storage on Storage Media, such as a disk to enable a Client to access and retrieve the media data based on the Client C/P (col. 6, lines 12-49), note that the user can request for audio, video, image, multimedia or media "audio and video" and the client capabilities, media delivery properties or preferences/specifications as chosen by the user are also shipped across the server, processes and delivered accordingly based on the selected preferences/specifications.

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking

upon a digital network (col.24, lines 32-60), where a Service Provider indexes video based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rangan into the system of Sahai to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited

Claim 22 is met as previously discussed with respect to claim 4.

Claim 23 is met as previously discussed with respect to claim 7.

Claim 24 is met as previously discussed with respect to claim 8.

Claim 25 is met as previously discussed with respect to claim 9.

Claim 26 is met as previously discussed with respect to claim 2.

Claim 27 is met as previously discussed with respect to claim 11.

Claim 28 is met as previously discussed with respect to claim 14.

Claim 29 is met as previously discussed with respect to claim 5.

Claim 30 is met as previously discussed with respect to claim 20.

As to claims 31-35, the claimed "method of using a system with at least one of an audio and video..." is composed of the same structural elements that were discussed with respect to the rejection of claim 2.

Claim 36 is met as previously discussed with respect to claim 8.

Claim 37 is met as previously discussed with respect to claim 7.

As to claim 38, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 2; the claimed “providing a storage attribute of the preferences description...” is met by Storage Media or Disk of Server 10 (col. 6, lines 50-52) which stores Client C/P, and where Server 10 encodes the audio and video based upon the content of at least one of audio and video.

Claim 39 is met as previously discussed with respect to claim 11.

Claims 40-42, are met as previously discussed with respect to claim 11-13.

Claim 43 is met as previously discussed with respect to claim 11.

Claim 44 is met as previously discussed with respect to claim 14.

Claim 45 is met as previously discussed with respect to claim 16.

Claim 46 is met as previously discussed with respect to claim 15.

Claim 47 is met as previously discussed with respect to claim 11.

Claim 48 is met as previously discussed with respect to claim 8.

As to claim 49, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 2; the claimed “providing a storage attribute of the preferences description...” is met by Storage Media or Disk of Server 10 (col. 6, lines 50-52) which stores Client C/P, and where Server 10 encodes the audio and video based upon the combination of at least capabilities and the preferences description (col. 6, lines 12-49).

Claim 50 is met as previously discussed with respect to claim 11.

Claim 51 is met as previously discussed with respect to claim 7.

Claim 52 is met as previously discussed with respect to claim 11.

Claim 53 is met as previously discussed with respect to claim 14.

Claim 54 is met as previously discussed with respect to claim 15.

Claim 55 is met as previously discussed with respect to claim 20.

Claim 56 is met as previously discussed with respect to claim 8.

Claim 57, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 2; the claimed “providing a storage attribute of the preferences description...” is met by Storage Media or Disk of Server 10 (col. 6, lines 50-52) which stores Client C/P, and where Server 10 encodes the audio and video based application program “an agent of the system” that selects the first quality and second quality based upon prior selections of either the first quality or second quality, MPEG1, MPEG2, MJPEG, etc., (fig. 3, col. 5, lines 1-26 and col. 6, lines 12-49).

As to claim 94, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 31.

Claims 95-97, are met as previously discussed with respect to claim 31.

As to claims 98-100, Sahai further discloses selecting based upon other attributes of preferences descriptions, which has been discussed with respect to claims 14-16, but fails to explicitly teach selecting based upon, forward speed, reserve speed and time interval forward, however, the claimed limitation is met as previously discussed with respect to claim 31.

As to claim 101-103, Sahai further discloses automatically determined by the system for at least one audio and video based upon the system monitoring previous selections for other respective audio and video (col. 5, lines 1-26 and col. 6, lines 12-42 and lines 57-67), but fails to explicitly teach automatically determined based upon, forward speed, reserve speed and time interval forward, however, the claimed limitation is met as previously discussed with respect to claim 31.

Claims 104-107 are met as previously discussed with respect to claim 2.

4. Claims 61-72, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**, and further in view of **Fano (6,317,718)**.

As to claims 61-62, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose A storage medium selectively detachably insertable into a recording device suitable to record at least one of an audio, an image, and a video comprising a plurality of frames, the storage medium storing information comprising:

the claimed “providing a preferences description, describing preferences of a user with respect to the use of said at least one of audio, image...” is met by Client 12 (fig. 1, col. 2, lines 44-64), note that when a user wants to playback any video/multimedia asset, the request is shipped across to Server 10 via a communication Network 14, where the shipping of the requested media data, includes Client 12 capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc., note that

the PC, Lap top, etc., includes insertable storage mediums) and preferences (C/P) with respect to the audio, image and video, which are stored in Server 10 for a particular session or for predetermined time period in a static configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate of the audio and video data to use, the size of the displayed frame, media formats, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and provides the media attribute of the preferences description describing the quality of encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the audio, image and video before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines 9-31).

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking upon a digital network (col.24, lines 32-60), where a Service Provider indexes video based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+); and further disclose where the clients VOW VCR provides the client with VCR-like function to control the video as desired (col.26, line 27-43)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rangan into the system of Sahai to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited and also provide VCR-like function to enable the client to control the streaming video as desired

Sahai as modified by Rangan, fail to explicitly teach providing a time attribute of the preferences description describing at least one of: a first time to start obtaining the at least one of audio and video prior to the scheduled time of the at least one of audio and video and a second time to end obtaining the at least one of audio and video after the schedule time of the at least one of audio and video.

However, note **Fano** reference figure 17, discloses and information gathering agents that stores user specific information and preferences, including time delivery preferences where the schedule time is the time period for media data "audio program and a video program" (fig. 18, col. 33, line 64-col. 34, line 23 and col. 38, lines 39-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Fano into the system of Sahai as modified by Rangan to include time delivery preferences to enable the user to schedule and receive the requested information at the appropriate time.

As to claims 63-64, Sahai further teaches streaming multimedia data, based upon the content and type of the audio program and video program (col. 6, lines 12-49),

but fails to explicitly teach a first time and second time is selection based upon the content of the an audio program and a video program.

However, note **Fano** reference figure 17, discloses and information gathering agents that stores user specific information and preferences, including time delivery preferences where the schedule time is the time period for media data “audio program and a video program” (fig. 18, col. 33, line 64-col. 34, line 23 and col. 38, lines 39-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Fano into the system of Sahai as modified by Rangan to include a selecting times based on content to enable the service provider to monitor time with respect to content for appropriate delivery of specific contents for the requested user.

Claim 65 is met as previously discussed with respect to claim 11.

Claim 66 is met as previously discussed with respect to claim 11.

Claim 67 is met as previously discussed with respect to claim 63.

Claim 68 is met as previously discussed with respect to claim 63.

Claims 69-72 are met as previously discussed with respect to claims 12-13.

5. Claims 73-93, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**, and further in view of **Barrett et al (6,611,876)**.

As to claims 73 and 74, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose

method of using a system with at least one of an audio, an image, and a video comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a user with respect to the use of said at least one of audio, image..." is met by Client 12 (fig. 1, col. 2, lines 44-64), note that when a user wants to playback any video/multimedia asset, the request is shipped across to Server 10 via a communication Network 14, where the shipping of the requested media data, includes Client 12 capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and preferences (C/P) with respect to the audio, image and video, which are stored in Server 10 for a particular session or for predetermined time period in a static configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate of the audio and video data to use, the size of the displayed frame, media formats, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and provides the media attribute of the preferences description describing the quality of encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the audio, image and video before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines 9-31).

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking upon a digital network (col.24, lines 32-60), where a Service Provider indexes video based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+); and further disclose where the clients VOW VCR provides the client with VCR-like function to control the video as desired (col.26, line 27-43)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rangan into the system of Sahai to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited and also provide VCR-like function to enable the client to control the streaming video as desired

Sahai as modified by Rangan, fail to explicitly teach providing a time attribute of the preferences indicating the number of layers of supplemental data auxiliary to the least one of audio and video.

However, note **Barrett et al** reference figure 4, disclose encoding of intermediate content "Web Intermediaries" (WBI or webby) with respect to user preference including text, image, type of desired source of compression, how images are disposed, preferred image scaling, etc., (col. 3, lines 57-65 and col. 4, lines 35-49), where various

transcoders dynamically scales layers of HTML, XML, etc., to meet a Client's preferences or device capabilities, including available storage (figs. 4a, 4b, col. 6, lines 1-27 and lines 43-58).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to encode appropriate number of layers of supplemental data for the media data or audio and video to transmit to the Client based on the Client preferences and capabilities, to enable the Client to retrieve the requested information accordingly.

Sahai as modified by Rangan further discloses a method comprising retrieving multimedia data prior to viewing the multimedia data, but fails to teach supplemental data, which has been discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to enable the user to interact with the supplemental data to enable the server to retrieve Client capabilities and preferences information relating to the supplemental data to aid in streaming the appropriate supplemental data to the client based on the Client's preferences and device capabilities.

As to claim 75, Sahai as modified by Rangan further discloses retrieving the audio and video data prior to viewing and listening of the video and audio data, but fail to explicitly teach supplemental data.

However **Barrett** discloses retrieving supplemental data, as previously discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to provide supplemental data, as additional information relating to the audio and video data, to enable the Client to listen and view and retrieve the audio and video data as desired.

Claim 76, is met as previously discussed with respect to claim 73.

As to claim 77, Sahai as modified by Rangan teach where the Server 10, includes a disk storage media which ceases to retrieve any data from Clients (col. 6, lines 50-52), but fails to explicitly teach supplemental data.

However **Barrett** discloses retrieving supplemental data, as previously discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to provide supplemental data as additional information to the audio and video data.

As to claims 78-79, Sahai as modified by Rangan further disclose determined the number of layers of multimedia data or video and audio to encode and transmit to Client based on Client C/P, including storage, but fails to explicitly teach supplemental data, which has been discussed with respect to claim 73.

As to claim 80-81, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 73-74;

Claim 82, is met as previously discussed with respect to claim 75.

Claim 83, is met as previously discussed with respect to claim 73.

Claim 84, is met as previously discussed with respect to claim 77.

Claim 85 and 86, is met as previously discussed with respect to claim 78 and 79.

As to claims 87 and 88, Sahai as modified by Rangan further disclose selecting multimedia or media data, based on the content and the type of media, as previously discussed with respect to claim 11, but fails to explicitly teach selecting number of layers of supplemental data.

However, Barrett teaches selecting and encoding layers of HTML and XML data based on user preference or device, as previously discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to select supplemental data based on content and type, to enable the encoding and scaling appropriate content and type of data to Clients based on C/P.

As to claim 89 and 90, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 73-74.

Claim 91, is met as previously discussed with respect to claim 75.

Claim 92, is met as previously discussed with respect to claim 73.

Claim 93, is met as previously discussed with respect to claim 77.

6. Claims 108-118, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**, and further in view of **Kanevsky et al (6,426,761)**.

As to claims 108-111 and 118, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose method of using a system with at least one of an audio, an image, and a video comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a user with respect to the use of said at least one of audio, image..." is met by Client 12 (fig. 1, col. 2, lines 44-64), note that when a user wants to playback any video/multimedia asset, the request is shipped across to Server 10 via a communication Network 14, where the shipping of the requested media data, includes Client 12 capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and preferences (C/P) with respect to the audio, image and video, which are stored in Server 10 for a particular session or for predetermined time period in a static configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate of the audio and video data to use, the size of the displayed frame, media formats, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and provides the media attribute of the preferences description describing the quality of encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the

audio, image and video before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines 9-31).

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking upon a digital network (col.24, lines 32-60), where a Service Provider indexes video based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+); and further disclose where the clients VOW VCR provides the client with VCR-like function to control the video as desired (col.26, line 27-43)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rangan into the system of Sahai to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited and also provide VCR-like function to enable the client to control the streaming video as desired

Sahai as modified by Rangan fails to explicitly teach providing a creation attribute of the preference description describing the creation date of at least one of audio and video.

However, note **Kanevsky** reference figures 1 and 5, disclose an information presentation system for a graphical user interface (GUI) that generates a cluster of items for display and includes creation attributes, including creation date of the information being presented (col. 6, line 52-col. 7, line 14, col. 11, lines 34-65 and col. 12, lines 36-53), and further teaches where video, audio, multimedia, etc., are also implemented (col. 3, lines 43-48 and col. 13, lines 12-36).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of **Kanevsky** into the system of **Sahai** as modified by **Rangan** to provide creation attributes of preferences describing creation date of audio and video to indicate to the server update or changes with respect to the Client's preferences and capabilities, thereby enabling the server to select and streaming appropriate video and audio to the Client.

As to claim 112, **Sahai** further discloses storing selected programs on Storage Media (col. 6, lines 50-52).

7. Claims 113-117, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**, and further in view of **Kanevsky et al (6,426,761)** as applied to claims 112 above, and further in view of **Gabbe et al (5,550,965)**.

As to claims 113-117, **Sahai** as modified by **Rangan** and **Kanevsky**, fail to explicitly teach selecting among a plurality of stored episodes of the program and limited to a desired number of episodes.

However, note the **Gabbe et al** reference discloses method and system for operating a data processor to index primary data for one or more users in real time with iconic table of contents where a plurality of video data, audio data, event data or meta data are indexed from an episode data to enable the user to interact to retrieve episodes as desired (col. 2, line 65-col. 3, line 3 and line 25-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Gabbe into the system of Sahai as modified by Rangan and Kanevsky to provide various episode of audio and video of the same program to enable the user to access parts or segments of the program as desired.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

  
**Annan Q. Shang**

  
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